

October 15, 2013

RE: SB 076, House Criminal Justice Committee Hearing, 10/16/13

Rep. Heisse, Chair, and Members of the House Criminal Justice Committee,

I thank you for your concern for the welfare of children. As a Juvenile Advocate, the sexual abuse of children is of great concern to me; as a Ph.D. student in Public Policy, the efficacy of policy is also of great concern. **SB 076 is NOT supported by the research about sexual reoffending.** If our goal is the effective prevention of sexual abuse, then SB 076 is a misguided effort at this for the following reasons:

1. **Children at day care centers are never left unattended, and therefore it is highly unlikely they would be assaulted by a sex offender registrant in the vicinity—if they are unattended, we have a problem that is significantly more likely to cause harm to a children - child neglect.** Children would be more likely to be hit by a car while unattended than to be abused by a sex offender registrant loitering nearby.
2. **As proof of how we so easily forget that juvenile offenders are impacted by these laws, SB 076 has no provision for individuals who are still attending school themselves (ages 14 – 26) that have day care facilities for staff.** It is not uncommon for school districts to have such facilities housed at a school. If this bill is enacted, it needs to exclude all juvenile offenders (those registering solely for a probate offense). This is further justified by the following:

Most juvenile offender registrants were found to be at significantly low risk, even at the time of adjudication, such that they were permitted to remain in the community and to attend school with minors. Imposing the restrictions found in SB 076 and those that already exist in the School Safety Zone policy on a juvenile offender registrant is ironic, inappropriate, and not supported by research. Further, imposing it 10 years later when they are an adult and have never re-offended is even more inappropriate. History of non-reoffending lowers a person's risk even more than it was at the time of adjudication. In addition, Michigan's Sex Offender Registry continues to be overly inclusive of juvenile offenders, and exceeds the federal requirements for juvenile registration. I urge you to correct this. For example, a 14-year old 8<sup>th</sup> grader that touches a breast or buttocks (even on top of clothing) of a 12 year old 7<sup>th</sup> grader, is charged with CSC 2, and if adjudicated is required to register as a Tier 3 sex offender.

3. **Research shows us that the incidence of sexual abuse by a sex offender registrant loitering near a day care center is virtually non-existent.** SB 076 fails to target an area of actual need – a very important factor when considering the likely efficacy of policy at preventing sexual abuse. The National Plan to Prevent the Sexual Abuse and Exploitation of Children urges the use of research to inform productive policies and practices. Further, it urges that policy focus on primary prevention.

Note: In related legislation, the 2007 Minnesota Legislature, in considering legislation restricting registrant proximity to schools, conducted a study. Findings failed to support the need for such legislation. As a result, Minnesota has not enacted such policies. The Maryland Dept. of Public Safety website ([http://www.dpscs.state.md.us/onlineservs/sor/frequently\\_asked\\_questions.shtml](http://www.dpscs.state.md.us/onlineservs/sor/frequently_asked_questions.shtml)) also addresses why their state does not have such a policies. See also The Journal of Law and Psychiatry, Vol. 34, Issue 3, 2011, Special Issue: Beyond Myth: Designing Better Sexual Violence Prevention, Preventing sexual violence: Can examination of offense location inform sex crime policy?

4. **Many day care centers are run by churches, and churches often provide a healthy, positive support system for sexual offenders, even serving as an extended family.** SB 076 could actually pose a threat to the prevention of sexual abuse by limiting a registrant's access to this positive support.

Sexual abuse is a public health problem. I urge you to not support SB 076 and instead focus attention on primary prevention policies informed by research that have greater likelihood of achieving our goal – the **effective** prevention of sexual abuse. In addition, attention is needed to change Michigan's Sex Offender Registry law so it includes only those juveniles at risk to reoffend. Please do not hesitate to contact me if you have questions or would like more information.

Thank you.



Sharon Denniston, Juvenile Advocate